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R. A. 141, to forfeit the rights not only of the beneficiary, but of her heirs and legal representatives, under a certificate payable to such persons; but this is held not to relieve the insurer, since the certificate may be enforced by the administrator of the insured. See *N. Y. Life Ins. Co. v. Davis*, 96 Va. 737.

STREET RAILWAYS—RIGHT TO CROSS RAILROAD TRACK AT STREET CROSSING.—The right of a street railway company to cross a railroad where that crosses a street, without any condemnation proceedings or paying any damages of the railroad company, is sustained in *Southern R. Co. v. Atlanta R. & P. R. Co. (Ga.)*, 51 L. R. A. 125, following the doctrine of the authorities in a note in 29 L. R. A. 485. See Va. Code, sec. 1094, amended by Acts 1893-4, p. 186.

PHYSICIANS—RIGHT TO DETERMINE FREQUENCY OF VISITS.—The right of a physician to determine, in the first instance, how often he ought to visit a patient, and to his compensation for visits, if the party accepts his services without telling him to come less frequently, is sustained in *Ebner v. Mackey* (Ill.), 51 L. R. A. 298.

There is a note to the case on the question of a physician's right to determine the frequency of such visits.

CONTRACTS—INADVERTENT OMISSION OF REVENUE STAMP.—The merely inadvertent omission of a revenue stamp required by the act of Congress of June 13, 1898, is held, in *Wingert v. Zeigler* (Md.), 51 L. R. A. 316, in accordance with the weight of authorities marshaled in a note in 48 L. R. A. 305, insufficient to make an assignment of a mortgage void, or to defeat the title of a purchaser on foreclosure, where the necessary stamps are affixed and canceled by an internal revenue collector after the sale.

EXECUTORS—ACTIONS AGAINST, FOR PERSONAL TORTS.—An action of claim and delivery against an executor of an estate in his representative capacity, to recover possession of personal property wrongfully withheld by him, is held by a divided court in *Elmore v. Elmore* (S. C.), 51 L. R. A. 261, not to be maintainable.

There is a review by annotation to this case, of the cases respecting the capacity in which an executor or administrator may be sued for his personal tort. See *Belvin v. French*, 84 Va. 81; 6 Va. Law Reg. 860.

RELIGIOUS SOCIETIES—DISMISSAL OF PASTOR—RIGHT OF COURTS TO REVIEW DECISIONS OF CHURCH TRIBUNALS.—The removal by church officials under authority of the church discipline, of a pastor who has no contract right to salary, and the appointment of his successor, are held, in *Travers v. Abbey* (Tenn.), 51 L. R. A. 260, to be beyond review by the civil courts.

This seems to be in harmony with the majority of the decisions, collected in a note in 49 L. R. A. 353, respecting the conclusiveness of decisions of church tribunals.

TRUSTEE AND BENEFICIARY—CHANGE OF RELATION TO DEBTOR AND CREDITOR—STATUTE OF LIMITATIONS.—A change of the trust relation into the relation of debtor and creditor is held, in *Treadwell v. Treadwell* (Mass.), 51 L. R. A. 190,

to be effected by the use of the proceeds of trust property in the trustee's business, with the knowledge and consent of the *cestui que trust*, although with an understanding that the money was to be repaid when a favorable opportunity for investment was found, and therefore when the trustee becomes financially ruined, an action therefor is held to be subject to the statute of limitations governing actions for debt.

CORPORATIONS—EFFECT OF RECEIVERSHIP ON AGENTS' CONTRACTS OF EMPLOYMENT.—The right of officers of a corporation to their salaries after the appointment of a receiver for the company on account of its insolvency is denied in *Lenoir v. Linville Imp. Co.* (N. C.), 51 L. R. A. 146, although their term of office has not expired, since the appointment of the receiver operates as a dissolution of any contract between the parties for such services by the sovereign power of the State.

A note to this case reviews the effect of receiverships or assignments for creditors, on the compensation of officers, agents, or employees thereafter.

PUBLIC CORPORATION—LIABILITY FOR NEGLIGENCE.—In *Moody v. State's Prison* (N. C.), 38 S. E. 131, it is held that the State's prison, a public corporation, is not liable to an action for the negligence of its officers and agents, whereby one of the guards was injured by falling from a defective ladder.

The non-liability of the corporation is placed upon the same ground taken by the Virginia Court of Appeals in *Maia v. Eastern State Hospital*, 97 Va. 507, 4 Va. Law Reg. 534, namely, that such a corporation is but an agency of the State, enjoying the same immunity from liability for negligence as the State itself. See note to the latter case, 4 Va. Law Reg. 543; 6 Va. Law Reg. 122.

NEGOTIABLE PAPER—PAYABLE TO “ORDER OF BEARER.”—In *Bloomingdale v. National Butchers' & Drovers' Bank*, 68 N. Y. Supp. 35, the rather unusual question was presented, as to whether a check payable to the “order of bearer, B. Cohen,” was in legal effect payable to “bearer” and therefore passed by delivery, or whether it was legally payable to “the order of B. Cohen,” and therefore required his endorsement in order to pass legal title to a subsequent holder.

It was properly held that the instrument was legally payable “to order” only, and in the absence of the payee's endorsement no legal title passed to a subsequent holder. 1 Daniel, Neg. Instr. 105; Tiedeman's Com. Paper, 243.

DEATH BY WRONGFUL ACT—DEATH OF BENEFICIARY AFTER ACTION BROUGHT—SURVIVAL.—An action for causing the death of a person, brought by the administrator, who is also the father and next of kin of the deceased and the sole beneficiary of the action, is held, in *Re Meekin* (N. Y.), 51 L. R. A. 235, to be an action to recover damages, not for injury to the person of the decedent, but for wrongs to the property rights or interests of the beneficiary, and therefore one that will survive to his estate on his death, although there are other persons living who would have been next of kin of the deceased, and for whose benefit the action might have been maintained if the father had not been living when the right of action accrued.